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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

11 In the Matter of:

12 JEROME HORTON, DEMOCRAT
13 JEROME HORTON FOR BOARD OF
EQUALIZATION, CITIZENS TO ELECT
14 HONEST OFFICIALS, and KINDE
DURKEE,

15 Respondents.

FPPC No. 08/286

STIPULATION, DECISION AND ORDER

16
17 **STIPULATION**

18 Complainant Roman G. Porter, Executive Director of the Fair Political Practices Commission,
19 and Respondents Jerome Horton, Democrat Jerome Horton for Board of Equalization, Citizens to Elect
20 Honest Officials, and Kinde Durkee agree that this Stipulation will be submitted for consideration by the
21 Fair Political Practices Commission at its next regularly scheduled meeting.

22 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this
23 matter and to reach a final disposition without the necessity of holding an additional administrative
24 hearing to determine the liability of Respondents.

25 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural
26 rights set forth in Government Code sections 83115.5, 11503 and 11523, and in California Code of
27 Regulations, title 2, sections 18361.1 through 18361.9. This includes, but is not limited to the right to
28 appear personally at any administrative hearing held in this matter, to be represented by an attorney at

1 Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to
2 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
3 the hearing as a hearing officer, and to have the matter judicially reviewed.

4 As described in Exhibit 1, it is further stipulated and agreed that:

- 5 (i) Respondents Jerome Horton, Democrat Jerome Horton for Board of Equalization, and
6 Kinde Durkee failed to refund contributions to general election contributors in violation of
7 Government Code section 85318 (one count); and
8 (ii) Respondents Jerome Horton, Citizens to Elect Honest Officials, and Kinde Durkee failed
9 to properly identify the sender of three mass mailings in violation of Government Code
10 section 84305, subdivision (c) (three counts).

11 Exhibit 1, which is attached hereto and incorporated by reference as though fully set forth herein,
12 is a true and accurate summary of the facts in this matter.

13 Respondents agree to the issuance of the Decision and Order, which is attached hereto, and
14 Respondents agree to the Commission imposing upon them an administrative penalty in the amount of
15 \$13,000, of which Respondents Jerome Horton and Kinde Durkee are jointly and severally liable for the
16 full amount, Respondent Democrat Jerome Horton for Board of Equalization is jointly and severally
17 liable for \$2,500, and Respondent Citizens to Elect Honest Officials is jointly and severally liable for
18 \$10,500. A cashier's check or money order from one or more Respondents totaling said amount, made
19 payable to the "General Fund of the State of California," is/are submitted with this Stipulation as full
20 payment of the administrative penalty and shall be held by the State of California until the Commission
21 issues its Decision and Order regarding this matter. The parties agree that in the event the Commission
22 refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days
23 after the Commission meeting at which the Stipulation is rejected, all payments tendered by Respondents
24 in connection with this Stipulation shall be reimbursed to Respondents. Respondents further stipulate
25 and agree that in the event the Commission rejects the Stipulation and a full evidentiary hearing before

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1 the Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
2 shall be disqualified because of prior consideration of this Stipulation.

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4 Dated: _____

Roman G. Porter, Executive Director
Fair Political Practices Commission

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7 Dated: _____

Jerome Horton, Individually and on Behalf of
Democrat Jerome Horton for Board of
Equalization and Citizens to Elect Honest
Officials, Respondents

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9
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11 Dated: _____

Kinde Durkee, Respondent

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13 **DECISION AND ORDER**

14 The foregoing Stipulation of the parties "In the Matter of Jerome Horton, Democrat Jerome
15 Horton for Board of Equalization, Citizens to Elect Honest Officials, and Kinde Durkee," FPPC No.
16 08/286, including all attached exhibits, is hereby accepted as the final decision and order of the Fair
17 Political Practices Commission, effective upon execution below by the Chairman.

18
19 IT IS SO ORDERED.

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21 Dated: _____

Chair, Fair Political Practices Commission